

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

vs.

Case No.: 3:00-87-04 (PG)

CARLOS ORTIZ-SANTIAGO

* * * * *

**MOTION NOTIFYING VIOLATIONS OF THE SUPERVISED RELEASE
CONDITION AND REQUEST FOR ARREST WARRANT**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
UNITED STATES DISTRICT COURT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, MIGUEL ANGEL ARROYO-DOMENECH, United States Probation Officer of this Court, presenting an official report on the conduct and attitude of the offender, Carlos Ortiz-Santiago, who on August 23, 2006, was sentenced to serve a sixty-month imprisonment term, to be followed by a five-year (5) supervised release term, after he plead guilty of violating 18 U.S.C. Section 2113 (a)(d) & 2; to wit: aiding and abetting to commit bank robbery by force or violence. As special condition of his supervision he was ordered to participate in a substance abuse treatment program, if any drug test samples detect substance abuse, to submit to psychiatric and/or psychological evaluation, to provide financial information, to produce evidence to the office that income

tax returns have been duly filed, and to make a restitution in the amount of \$2,400. On August 27, 2004, he commenced his term of supervised release.

On January 27, 2006, U.S. Probation Officer Humberto Marchand filed a Motion Notifying Violations of the Supervised Release Condition And Request for Arrest Warrant in which the Court was notified that Mr. Ortiz-Santiago had violated multiple Court-imposed supervised release conditions, such as, failure to submit monthly supervision reports, to pay outstanding child support balances, to notify change of address, to refrain from the use of controlled substances, to appear for drug testing, to participate in substance abuse treatment and to make payments towards his restitution. On August 23, 2006, his supervised release term was revoked, and he was sentenced to twelve (12) months of imprisonment and one (1) year of supervised release to follow. As special supervision conditions, he was ordered to participate of substance abuse treatment, home detention for one-hundred and fifty (150) days, and the original restitution was reimposed.

On March 5, 2007, he was released to supervision from the Metropolitan Detention Center in Guaynabo, Puerto Rico.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

1. HOME CONFINEMENT SPECIAL CONDITION - "The defendant shall be placed in home detention and comply with the conditions of the Home Confinement Program for a period of four (4) months. During this period of time, the defendant shall remain at his place of residence at all times except as provided by the Home Detention policies established by the Probation Office of the Court. The defendant shall maintain a telephone at his place of residence without "call forwarding", a modem, "caller id", "call waiting" or portable cordless telephones for the above period, and wear an electronic monitoring device following the electronic monitoring procedures specified by the Probation Officer. In addition, the defendant shall allow the Probation Officer immediate access to his house for supervision procedures. Additionally, the defendant is ordered to the amount of \$3.26 for the cost of the Electronic Monitoring Device. He

shall not leave the judicial district to which she is sentenced or released during the term of electronic monitoring."

On March 16, 2007, this Officer of the Court installed the electronic bracelet to Mr. Ortiz-Santiago at which time he commenced his home detention term. An authorized leave schedule was established in which offender was permitted to leave his residence to work from 6:00 am to 7:00 00 pm from Monday through Friday; and Saturday and Sundays from 7:00 am to 3:00 pm.

Thereafter, Mr. Ortiz-Santiago has failed to comply with the authorized home detention leave schedule and to maintain a telephone service operating in his residence at his own expense.

As of this day, he has violated his leave schedule the following times:

<u>Day of Alert</u>	<u>Type of Alert</u>	<u>Type of Alert- In Range</u>
April 21	Unauthorized Leave 3:00 pm	
April 22		3:38 am
April 28	Unauthorized Leave 18:05 pm	
April 29		2:40 am
May 11	Did not Return 7:00 pm	
May 12		4:10 am
May 14	Did not Return 7:00 pm	
May 15		00:58 am
May 18	Did not Return 7:00 pm	

May 19		2:30 am
June 2	Did not Return 7:00 pm	8:34 pm
June 5	Did not Return 7:00 pm	11:31 pm
June 6	Did not Return 7:00 pm	8:45 pm
June 8	Did not Return 7:00 pm	
June 9		2:58 am

On May 2, 2007, this officer of the Court and US Probation Officer Luz Enid Aponte met with offender and confronted him with his schedule violations. According to offender, during workdays, he arrived home late due to the traffic jams. As to his late arrivals on consecutive Sunday mornings, he admitted having been in a date with a girlfriend. He was admonished and advised as to the repercussions of his non-compliance which he acknowledged understanding the same.

On June 11, 2007, releasee's home telephone line was disconnected. Since then, we have not been able to continue monitoring releasee's compliance with the Home Confinement Program regulations.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct, in lieu of the aforementioned and given releasee's blatant disregard and nonchalant attitude towards the regulations of the Home Confinement Program, it is requested that a warrant for his arrest be immediately issued and that he be brought before this

Honorable Court to show cause why his supervised release term should not be revoked.

Thereupon, that he is to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 13th day of June 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/MiguelAngelArroyo-Domenech

U.S. Probation Officer
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Rosa Emilia-Rodríguez, Esq., U.S. Attorney's Office and Joseph Law, Esq., Federal Public Defender, Esq.

At San Juan, Puerto Rico, this 13th day of June 2007.

s/Miguel A. Arroyo-Domenech

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